

ROPER, MAJESKI, KOHN & BENTLEY  
 Thomas H. Clarke, Jr., Esq. (SBN 47592)  
 Timothy A. Dolan, Esq. (SBN 209674)  
 201 Spear Street, Suite 1000  
 San Francisco, California 94105  
 Tel. #: (415) 543-4800  
 Fax #: (415) 972-6301  
 Attorney(s) for: Plaintiff

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA**

MOSS LANDING COMMERCIAL PARK LLC,

Plaintiff(s)

v.

KAISER ALUMINUM CORPORATION, et al.,

Defendant(s)

CASE NUMBER:

C07 06072 RMW/PVT

**PROOF OF SERVICE  
 SUMMONS AND COMPLAINT**

(Use separate proof of service for each person/party served)

1. At the time of service I was at least 18 years of age and not a party to this action and **I served** copies of the (*specify documents*):
  - a. ☒ summons ☐ complaint ☐ alias summons ☒ first amended complaint  
☐ second amended complaint  
☐ third amended complaint
  - ☒ other (*specify*): SEE ATTACHED LIST
2. **Person served:**
  - a. ☒ Defendant (*name*): Kaiser Aluminum Corporation
  - b. ☒ Other (*specify name and title or relationship to the party/business named*):  
 CT Corporation, Agent for service of process by serving Jessica Chavez
  - c. ☒ Address where papers were served: 818 W. 7th Street, 2nd Flr., Los Angeles, CA 90017
3. **Manner of Service** in compliance with (*the appropriate box must be checked*):
  - a. ☒ Federal Rules of Civil Procedure
  - b. ☐ California Code of Civil Procedure
4. **I served** the person named in Item 2:
  - a. ☒ By **Personal service**. By personally delivering copies. If the person is a minor, by leaving copies with a parent, guardian, conservator or similar fiduciary and to the minor if at least twelve (12) years of age.
    1. ☒ **Papers were served on** (*date*): 12/10/07 at (*time*): 1:35 p.m.
  - b. ☐ By **Substituted service**. By leaving copies:
    1. ☐ (**home**) at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household, at least 18 years of age, who was informed of the general nature of the papers.
    2. ☐ (**business**) or a person apparently in charge of the office of place of business, at least 18 years of age, who was informed of the general nature of the papers.
    3. ☐ **Papers were served on** (*date*): \_\_\_\_\_ at (*time*): \_\_\_\_\_
    4. ☐ **by mailing** (*by first-class mail, postage prepaid*) copies to the person served in Item 2(b) at the place where the copies were left in Item 2(c).
    5. ☐ **papers were mailed on** (*date*): \_\_\_\_\_
    6. ☐ **due diligence**. I made at least three (3) attempts to personally serve the defendant.

**PROOF OF SERVICE - SUMMONS AND COMPLAINT**

ATTACHED LIST OF DOCUMENTS

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MOSS LANDING COMMERCIAL PARK LLC v. KAISER  
ALUMINUM CORPORATION, et al.

CASE NUMBER: C07 06072 RMW/PVT

1. UNITED STATES DISTRICT COURT – NORTHERN DISTRICT OF CALIFORNIA ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES;
2. UNITED STATES DISTRICT COURT – NORTHERN DISTRICT OF CALIFORNIA STANDING ORDER RE: PRETRIAL PREPARATION;
3. UNITED STATES DISTRICT COURT – NORTHERN DISTRICT OF CALIFORNIA STANDING ORDER REGARDING CASE MANAGEMENT IN CIVIL CASES;
4. UNITED STATES DISTRICT COURT – NORTHERN DISTRICT OF CALIFORNIA STANDING ORDER FOR ALL JUDGES OF THE NORTHERN DISTRICT OF CALIFORNIA CONTENTS OF JOINT CASE MANAGEMENT STATEMENT;
5. UNITED STATES DISTRICT COURT – NORTHERN DISTRICT OF CALIFORNIA WELCOME TO THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, CLERK'S OFFICE, SAN JOSE DIVISION;

6. UNITED STATES DISTRICT COURT – NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION CRIMINAL AND CIVIL LAW AND MOTION/TRIAL SETTLEMENT/CASE MANAGEMENT/DISMISSAL HEARING SCHEDULES;
7. UNITED STATES DISTRICT COURT – NORTHERN DISTRICT OF CALIFORNIA GENERAL ORDER NO. 40 PROHIBITION OF BIAS;
8. UNITED STATES DISTRICT COURT – NORTHERN DISTRICT OF CALIFORNIA INSTRUCTIONS FOR COMPLETION OF ADR FORMS REGARDING SELECTION OF AN ADR PROCESS (ADR LOCAL RULE 3-5);
9. UNITED STATES DISTRICT COURT – NORTHERN DISTRICT OF CALIFORNIA NOTICE OF NEED FOR ADR PHONE CONFERENCE;
10. IN THE UNITED STATES DISTRICT COURT – NORTHERN DISTRICT OF CALIFORNIA ORDER OF THE CHIEF JUDGE IN RE: ELECTRONIC FILING IN CASES WITH UNREPRESENTED PARTIES;
11. UNITED STATES DISTRICT COURT – NORTHERN DISTRICT OF CALIFORNIA ECF REGISTRATION INFORMATION HANDOUT;
12. UNITED STATES DISTRICT COURT – NORTHERN DISTRICT OF CALIFORNIA GENERAL ORDER NO. 45 ELECTRONIC CASE FILING;
13. UNITED STATES DISTRICT COURT – NORTHERN DISTRICT OF CALIFORNIA NOTICE OF ELECTRONIC AVAILABILITY OF CASE FILE INFORMATION;

14. UNITED STATES DISTRICT COURT – NORTHERN DISTRICT OF CALIFORNIA GENERAL ORDER NO. 53 PRIVACY;
15. UNITED STATES DISTRICT COURT – NORTHERN DISTRICT OF CALIFORNIA BLANK NOTICE OF LAWSUIT AND REQUEST FOR WAIVER OF SERVICE OF SUMMONS;
16. UNITED STATES DISTRICT COURT – NORTHERN DISTRICT OF CALIFORNIA BLANK ADR CERTIFICATION BY PARTIES AND COUNSEL;
17. UNITED STATES DISTRICT COURT – NORTHERN DISTRICT OF CALIFORNIA BLANK STIPULATION AND [PROPOSED] ORDER SELECTING ADR PROCESS;

- c. ☐ **Mail and acknowledgment of service.** By mailing (*by first-class mail or airmail, postage prepaid*) copies to the person served, with two (2) copies of the form of Waiver of Service of Summons and Complaint and a return envelope, postage prepaid addressed to the sender. (**Attach completed Waiver of Service of Summons and Complaint**).
- d. ☐ **Service on domestic corporation, unincorporated association (including partnership), or public entity. (F.R.Civ.P. 4(h)) (C.C.P. 416.10)** By delivering, during usual business hours, a copy of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute and the statute so requires, by also mailing, by first-class mail, postage prepaid, a copy to the defendant.
- e. ☐ **Substituted service on domestic corporation, unincorporated association (including partnership), or public entity. (C.C.P. 415.20 only)** By leaving during usual office hours, a copy of the summons and complaint in the office of the person served with the person who apparently was in charge and thereafter by mailing (*by first-class mail, postage prepaid*) copies to the persons at the place where the copies were left in full compliance with C.C.P. 415.20. Substitute service upon the California Secretary of State requires a court order. (**Attach a copy of the order to this Proof of Service**).
- f. ☐ **Service on a foreign corporation.** In any manner prescribed for individuals by FRCP 4(f).
- g. ☐ **Certified or registered mail service.** By mailing to an address outside California (*by first-class mail, postage prepaid, requiring a return receipt*) copies to the person served. (**Attach signed return receipt or other evidence of actual receipt by the person served**).
- h. ☐ **Other** (specify code section and type of service):
5. **Service upon the United States, and Its Agencies, Corporations or Officers.**
- a. ☐ by delivering a copy of the summons and complaint to the clerical employee designated by the U.S. Attorney authorized to accept service, pursuant to the procedures for the Office of the U.S. Attorney for acceptance of service, or by sending a copy of the summons and complaint by registered or certified mail addressed to the civil process clerk at the U.S. Attorneys Office.
- Name of person served:
- Title of person served:
- Date and time of service: (date): \_\_\_\_\_ at (time): \_\_\_\_\_
- b. ☐ By sending a copy of the summons and complaint by registered or certified mail to the Attorney General of the United States at Washington, D.C. (**Attach signed return receipt or other evidence of actual receipt by the person served**).
- c. ☐ By sending a copy of the summons and complaint by registered or certified mail to the officer, agency or corporation (**Attach signed return receipt or other evidence of actual receipt by the person served**).
6. At the time of service I was at least 18 years of age and not a party to this action.
7. Person serving (*name, address and telephone number*):

Joe Teal, Ace Messenger & Attorney  
Service, Inc.  
811 Wilshire Boulevard, Suite 900  
Los Angeles, California 90017  
(213) 623-3979  
Reg. #: 3886 County: Los Angeles

- a. Fee for service: \$
- b. ☐ Not a registered California process server
- c. ☐ Exempt from registration under B&P 22350(b)
- d. ☒ Registered California process server

8. ☐ I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Date: December 11, 2007

  
(Signature)

**PROOF OF SERVICE - SUMMONS AND COMPLAINT**